

PROGRESS REPORT #5

Comm 10 CODE REVISION COMMITTEE

DATE: Thursday, April 19, 2001

TIME: 9:00 – 2:30

PLACE: Conference Room 3B, Thompson Commerce Center, Madison, WI

COMMITTEE MEMBER ATTENDANCE:

Bob Bartlett	Present
Tim Clay	Present
Bob Elvert	Present
Paul Knowler	Present
Dick Marx	Present
Dave Reinke	Present
Erin Roth	Excused
Fred Schultz	Excused
Dale Safer	Present

STAFF ATTENDANCE:

Sheldon Schall, ERS Div. (608)266-0956
Darla LeGrave, ERS Div. (608)266-8076
Bob Bertram, ERS Div. (715)345-5269, Alternate
Mark Bennett, ERS Div. (608)266-8981
Duane Hubeler, Administrative Services Div. (608)266-1390
Ron Buchholz, Safety & Buildings Div. (608)266-1817

VISITORS:

Larry Sands WI Federation of Cooperatives, alternate
Craig Erickson Murphy Oil Company

ADMINISTRATIVE ISSUES:

The meeting was called to order at 9:05 by Sheldon Schall. Introductions were made and the progress report from 10/25/00 was approved.

Ron Buchholz was introduced as the interim Deputy Administrator for the ERS (Environmental & Regulatory Services) Division. Ron is the (full-time) Deputy Administrator for the Safety & Buildings Division. Ron stated that the move is underway to hire a division administrator to replace John Alberts,

who recently retired. When that person is hired, a deputy administrator will likely be hired to replace Bill Morrissey, who recently left to work with another state agency.

SUBCOMMITTEE ISSUES:

Hazardous Liquids Subcommittee

Dave Reinke distributed the minutes from the last meeting of this subcommittee. The minutes covered topics including change of service, tank size thresholds for determining when code requirements apply, secondary containment issues, and issues relating to service life of tanks, piping and related equipment. There is some possible overlap between this subcommittee and the farm tank subcommittee because CERCLA substances could be used in some agricultural applications.

API 653 Subcommittee

There was little new to report here, except for a possible conflict between API 653 and ch. NR 420 - Control of Organic Compound Emissions from Petroleum and Gasoline Sources. This will require further research. There was a question as to how API 653 information is provided to the inspector. Inspectors would like to see a standardized format for a short summary report of the API 653 results. The allowed time between assessments must be specified.

Water Craft, Snowmobile and ATV Subcommittee

This subcommittee distributed its final recommendations to the whole committee, which discussed the recommendations at length. There are some remaining questions but the overall recommendations are ready to be translated into code language for further discussion. There is an outstanding issue relating to DNR's required 75 foot setback between the tank and the water. This requirement could make it very impractical to fuel near the water. Unattended fueling is still an issue that needs to be resolved.

REGULATION OF CARRIERS:

Darla LeGrave distributed a paper summarizing her research on the issue of regulation of carriers. The Wisconsin Department of Revenue recently began regulating carriers in an effort to reduce tax fraud. This scheme could possibly be extended to require a carrier to check for a department-issued tag or sticker on a pump or tank prior to making a product delivery. This will require additional internal dialog to develop the details.

OVERVIEW OF PROPOSED INTERIM RULE CHANGE

Duane Hubeler reviewed a draft of the first part of the Comm 10 code update. The primary purpose of

this code change is to update the adopted standards and related code language. Some of the more important issues contained in the draft include repealing the Wisconsin requirements for aboveground vehicle fueling to align the code with the latest national standards as well as requiring more frequent testing and maintenance for cathodic protection systems. There are also many obsolete or time-dependent requirements that are being repealed under this proposal. Several language revisions for clarity of the proposal were made at the suggestion of the committee. The department hopes to have public hearings scheduled for this draft sometime this summer.

ISSUES RELATING TO TANK LINING

Sheldon Schall distributed a proposed code change relating to internal tank lining and gave a presentation on the background of what has been experienced in the past ten years. This may be a big problem down the road with many people believing lined tanks will be the next generation of leaking tanks. There has been a lot of inconsistency in the whole process and in the regulatory scheme. There is no clear definition of what constitutes a lining failure and no clear criteria for disqualifying a tank from being relined. A number of changes are currently under consideration including more frequent inspections, requiring impressed current protection and limiting the number of relinings allowed to one per tank.

NEXT MEETINGS: The next two meetings of the full Comm 10 Committee are scheduled for **Thursday, July 19 and Wednesday, September 26** at locations yet to be determined. Please mark your calendars.